



Received &amp; Inspected

MAR 15 2010

FCC Mail Room

December 30, 2009

*Via First Class U.S. Mail*

Marlene H. Dortch, Secretary  
 Federal Communications Commission  
 Office of the Secretary  
 445 12<sup>th</sup> Street, SW  
 Washington, D.C. 20554

Re: Petition for Undue Burden Exemption  
 from Closed Captioning Rules

Dear Ms. Dortch:

This letter is submitted pursuant to 47 C.F.R. §79.1(f) and requests an exemption on behalf of Eastern Star Baptist Church from the FCC's closed captioning rules based on undue burden. In accordance with 47 C.F.R. §79.1(f)(4), the original and two copies of this letter and all support are being provided.

Eastern Star Baptist Church is a donor supported non-profit organization under the laws of the state of Indiana. Since 1995, we have produced a weekly, 28:30-minute video program called "J.A. Johnson". "J.A. Johnson" is a program that provides biblical teaching and instruction, which serves as a ministry outreach to Central Indiana residents. "J.A. Johnson" is locally produced in-house by Eastern Star Baptist Church staff, and is broadcast to the public on WHMB TV40 – Indianapolis. Eastern Star Baptist Church pays WHMB TV40 \$63,960 per year to air the show over its broadcast facilities.

Captioning the program would present an undue burden for several reasons. First, since we do not have the resources to caption the program ourselves, it would have to be sent to an outside source for captioning. Second, the added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting WHMB TV40 air-date deadlines impossible. Finally, a captioning requirement would ultimately cause us to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program. We have discussed with WHMB TV40 the possibility of their assisting us in captioning the program at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.

5750 East 30th Street Indianapolis, IN 46218 (317) 591-5050 Fax: (317) 591-5060  
 Pastor Jeffrey A. Johnson, Sr.

Eastern Star Baptist Church respectfully submits that the basis for its captioning exemption request based on undue burden is practically identical to the facts justifying undue burden exemptions in the Commission's 2006 Memorandum Opinion & Order, *In Re: Anglers for Christ Ministries, Inc. & New Beginning Ministries Petitions for Exemption from Closed Captioning Requirements, CGB-CC-0005 and -0007, 21 FCC Rcd 10094 (September 12, 2006)*. In light of that precedent, and the facts set forth in this letter, we respectfully request that Eastern Star Baptist Church be granted an undue burden exemption from the captioning requirements for "J.A. Johnson".

In support of our request, we provide a copy of certain documents establishing Eastern Star Baptist Church's non-profit status. In addition, as permitted by §1.16 of the Commission's rules, we are providing a Declaration Under Penalty of Perjury in support of the facts set forth in this request for exemption in lieu of the affidavit required by §79.1(f)(9). Should the Commission require additional information, please contact the undersigned individual.

Respectfully:

Eastern Star Baptist Church

By: 

Printed Name: Tayisha McGuire

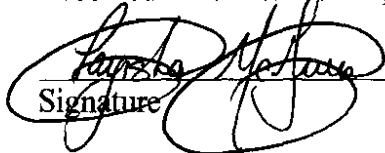
Title: Public Relations Manager

**Declaration Under Penalty of Perjury of Tayisha McGuire  
in support of Eastern Star Church's Request for Undue Burden  
Exemption from Closed Captioning Rules**

I, Tayisha McGuire, Public Relations Manager of Eastern Star Baptist Church, do hereby declare under penalty of perjury of the laws of the United States of America that the following statements are true and correct.

1. Eastern Star Baptist Church is a donor supported non-profit organization organized under the laws of the state of Indiana.
2. Since 1995, Eastern Star Baptist Church has produced a weekly, 28:30-minute video program called "J.A. Johnson". "J.A. Johnson" is a program that provides biblical teaching and instruction, which serves as a ministry outreach to Central Indiana residents. "J.A. Johnson" is locally produced in-house by Eastern Star Baptist Church staff, and is broadcast to the public on WHMB TV40 – Indianapolis. Eastern Star Baptist Church pays WHMB TV40 \$63,960 per year to air the show over its broadcast facilities.
3. Eastern Star Baptist Church has discussed with WHMB TV40 the possibility of their assisting in captioning "J.A. Johnson" at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.
4. Captioning "J.A. Johnson" would present an undue burden because we do not have the resources to caption the program ourselves, and it would have to be sent to an outside source for captioning.
5. The added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting WHMB TV40 air-date deadlines impossible.
6. A captioning requirement for "J.A. Johnson" would ultimately cause Eastern Star Church to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program.

Executed on December 30, 2009.

  
Signature

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**STATE OF INDIANA**  
**DEPARTMENT OF STATE**  
**CERTIFICATE OF INCORPORATION**

SECRETARY OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

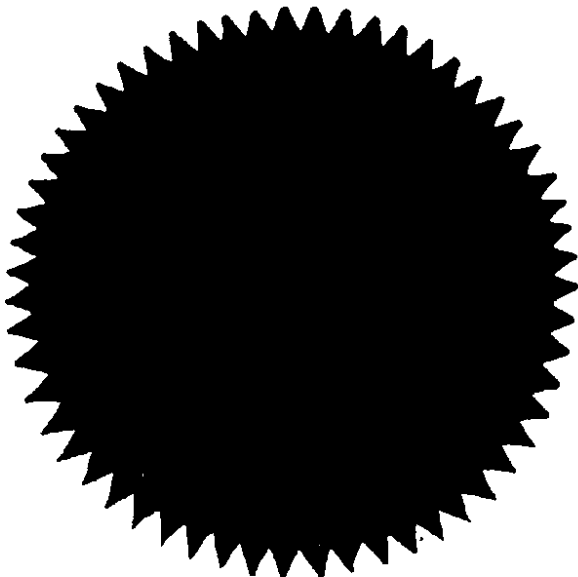
WHEREAS, Articles of Incorporation, duly signed and acknowledged, showing no Capital Stock, having been filed in the office of the Secretary of State on the 29th.....

day of December, 1966, for the organization of the.....

.....THE EASTERN STAR MISSIONARY BAPTIST CHURCH.....

under and in accordance with the provisions of "AN ACT" concerning domestic and foreign corporations not for profit, providing for fees, providing penalties for the violation thereof, and repealing certain laws." Approved March 7, 1935, as published at Page 557, Acts of 1935.

NOW THEREFORE, I, the Secretary of the State of Indiana, by virtue of the powers and duties vested in me by law, do hereby certify that the said organization is a body politic and corporate, authorized and empowered by the laws of the State of Indiana to proceed to carry out the objects of its organization.



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this 29th day of December, 1966.

.....Edgar D. Whitcomb.....  
Secretary of State.

By.....  
Deputy.